

Remarks

This amendment does not result in an increase in the total number of claims pending or in an increase in the number of independent claims pending. And, this amendment is being filed within the period set for response to the outstanding office action. Accordingly, no additional fees are necessitated by this amendment.

For the Specification:

This Office Action objects to paragraph [0026] of the specification. This Office Action asserts that "7-7" in line 3 thereof should be --5-5--.

The applicants have amended paragraph [0026] accordingly.

This Office Action objects to paragraph [0036] of the specification. This Office Action asserts that "be" in line 3 thereof should be --the--.

Paragraph [0036] is missing the word "set." The entire clause should read "in which enclosure 20 is configured to be ground set." The applicants have amended paragraph [0036] accordingly.

This Office Action objects to paragraph [0052] of the specification. This Office Action asserts that "hereinbefore" in line 2 thereof should be --herein before--.

Paragraph [0052] is correct as submitted. The word "hereinbefore" is synonymous with the word "hereinabove," and means: "before in this document, statement, etc." [Random House

Webster's Unabridged Electronic Dictionary, copyright © 1999 by Random House, Inc.].

This Office Action objects to paragraph [0056] of the specification. This Office Action asserts that the second "66" in line 5 thereof should be --62--.

The applicants have amended paragraph [0056] accordingly.

In addition, the applicants have amended paragraphs [0038], [0039], [0059], [0070], and [0071] to correct minor grammatical and/or typographical errors, to correct inconsistencies and/or lack of correspondence between reference numerals used in the specification and those used for different elements, and to further clarify the specification. All amendments to the specification add no new subject matter. The applicants respectfully request reconsideration of the specification.

For the Claims:

The applicants submitted claims 1-20, of which claims 1, 15, and 20 are independent claims.

Pursuant to a telephone conversation on 30 November 2005, a provisional election was made without traverse to prosecute claims 1-2 and 4-20. The applicants hereby affirm this election. Claim 3 has been withdrawn from consideration under 37 CFR 1.142(b).

This Office Action rejects claims 1-2 and 4-20. The applicants hereby amend claims 1-2, 4, 7, 15-16, and 18-20, and retain claims 5-6, 8-14, and 17 as originally submitted. The applicants respectfully request reconsideration.

This Office Action rejects claims 1-2 and 4-20, i.e., all claims, under 35 U.S.C. 103(a). To wit:

Claims 1-2, 6, 8-9, 11, and 14-16 are rejected as being unpatentable over Guardshack Product Line Brochure GS.1.2000b (hereinafter Guardshack) in view of Griffin et al., U.S. Patent No. 6,532,985 (hereinafter Griffin 985), and further in view of Griffin et al., U.S. Patent No. 6,021,804 (hereinafter Griffin 804).

Claims 4, and 18-19 are rejected as being unpatentable over Guardshack, Griffin 985, and Griffin 804, and further in view of Vidal et al., U.S. Patent Application No. 2002/0031406 (hereinafter Vidal).

Claim 4 is rejected as being unpatentable over Guardshack, Griffin 985, and Griffin 804, and further in view of Sieben, U.S. Patent No. 1,690,461 (hereinafter Sieben).

Claims 7 and 17 are rejected as being unpatentable over Guardshack, Griffin 985, and Griffin 804 as applied to claims 6 and 16, and further in view of Carr, U.S. Patent No. 4,026,596 (hereinafter Carr).

Claim 10 is rejected as being unpatentable over Guardshack, Griffin 985, and Griffin 804 as applied to claim 8, and further in view of Davenport, U.S. Patent No. 4,4,890,638 (hereinafter Davenport).

Claims 12 and 13 are rejected as being unpatentable over Guardshack, Griffin 985, and Griffin 804 as applied to claim 11, and further in view of Clements et al., U.S. Patent No. 6,203,591 (hereinafter Clements).

Claim 20 is rejected as being unpatentable over Guardshack, Griffin 985, and Griffin 804, and in view of Vidal, Sieben, Carr, Davenport, and Clements as applied to claims 1-2 and 4-19.

Regarding independent claims 1, 15, and 20, this Office Action asserts that Guardshack discloses a security enclosure for a control apparatus, the enclosure comprising a cage configured to connect to a base and encompass the apparatus. This Office Action further asserts that, while Guardshack does not disclose a mounting strap configured to extend inside the cage substantially perpendicular to the base, Griffin 985 does, and that it would have been obvious to combine the teachings of Griffin 985 with those of Guardshack. In addition, this Office Action asserts that Griffin 804 discloses a mounting hole inside the cage, and that it would have been obvious to combine the teachings of Griffin 804 with those of Guardshack and Griffin 985.

The applicants have amended independent claims 1, 15, and 20 to include a mounting member comprising a mounting shank embedded within the base, and a mounting strap (claim 1), a pair of mounting straps (claim 15), or first and second mounting straps (claim 20) joined to the mounting shank. This amendment is fully supported in FIGs. 3, 5, and 6, and in the specification at paragraphs [0036] and [0038], and does not constitute new matter.

Guardshack teaches the use an EncPad™ base and PadLok™ mounting hardware for use therewith as an alternative to a conventional concrete base. The preferred base and hardware has a central opening which precludes the use of an embedded mounting shank as claimed by the applicants. Guardshack therefore teaches away from the use of an embedded mounting shank.

Griffin 985 teaches the use of a mounting bracket 22 (FIG. 16) mounted upon a surface. Griffin 985 therefore teaches away from the use of an embedded mounting shank.

Griffin 804 teaches bolting the enclosure to the base or any other conventional attachment means (column 4, lines 27-30). Since the applicant's embedded mounting shank is not conventional, Griffin 804 fails to suggest the use of an embedded mounting shank.

Neither Guardshack, nor Griffin 985, nor Griffin 804 in any way teach or suggest the use of a mounting member comprising a mounting shank and mounting straps as claimed by the applicants, either severally or in combination.

Guardshack, Griffin 985, and Griffin 804 all suffer from the problem that they are surface mounted to a base. This allows the enclosure to be pried from the base through the use of a tool, e.g., a crowbar. The applicants have considered this problem and circumvented it by the use of a mounting shank embedded within the base and joined to the mounting strap(s) (see FIG. 5). This renders it near impossible for the enclosure to be pried from the base without completely destroying the base.

Since Guardshack, Griffin 985, and Griffin 804 failed to consider this problem at all, it is improper to cite them against the present invention. As stated in In re Shaffer, 108 USPQ 326, 329 (CCPA 1056):

In fact, a person having the references before him who was not cognizant of appellant's disclosure would not be informed that the problem solved by appellant ever existed. Therefore, can it be said that these references which never recognized appellant's problem would have suggested its solution? We think not, and therefore feel that the references were improperly combined since there is no

suggestion in either of the references that they can be combined to produce appellant's result.

Therefore, lacking suggestion of any kind, it would not be obvious to one of ordinary skill in the art to modify Guardshack, Griffin 985, or Griffin 804 to incorporate such a mounting member as applicants claim. In addition, such a modification to Guardshack, Griffin 985, or Griffin 804 would serve to increase the complexity of Guardshack, Griffin 985, or Griffin 804 without in aiding Guardshack, Griffin 985, or Griffin 804 to fulfill their purposes.

Therefore, the applicants believe independent claims 1, 15 and 20 to be allowable as amended. The applicants respectfully request reconsideration of independent claims 1, 15, and 20.

This Office Action rejects claims 1-2 and 4-20. The applicants hereby amend claims 1-2, 4, 7, 15-16, and 18-20, and retain claims 5-6, 8-14, and 17 as originally submitted. The applicants respectfully request reconsideration.

Regarding claims 2 and 4-14, the applicants have amended claims 2, 4, and 7 to conform to the hereinbefore discussed amendment of independent claim 1 and/or to correct minor grammatical and/or typographical errors, and not for purposes of patentability. Inasmuch as the applicants believe independent claim 1 to be allowable as amended, the applicants also believe claims 2, 4, and 7 to be allowable as amended and believe claims 5-6 and 8-14 to be allowable as originally submitted by reason of dependency. The applicants respectfully request reconsideration of claims 4-14.

Regarding claims 16-19, the applicants have amended claims 16 and 18-19 to conform to the hereinbefore discussed amendment of

independent claim 15 and not for purposes of patentability. Inasmuch as the applicants believe independent claim 15 to be allowable as amended, the applicants also believe claims 16 and 18-19 to be allowable as amended and believe claim 17 to be allowable as originally submitted by reason of dependency. The applicants respectfully request reconsideration of claims 16-19.

Withdrawn claim 3 depends directly from independent claim 1. Claim 3 was withdrawn as being of a different species than claim 1-2 and 4-20. However, inasmuch as the applicants believe independent claim 1 to be allowable as amended, the applicants also believe claim 3 to be sufficiently closely related to the species of independent claim 1 to be allowable by reason of dependency. The applicants respectfully request reconsideration of withdrawn claim 3.

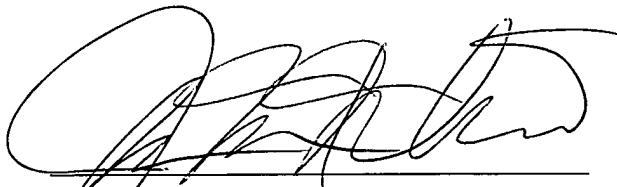
Conclusion

Accordingly, this Amendment cancels amends claims 1-2, 4, 7, 15-16, and 18-20. Currently amended claims 1-2, 4, 7, 15-16, and 18-20 remain in the application and are believed to be allowable. In addition, claims 5-6, 8-14, and 17 remain in the application as originally submitted and are believed to be allowable.

Withdrawn claim 3 depends from claim 1. Claim 3 was withdrawn in response to a species election. Since claim 1 is allowable for the reasons set forth above, applicants respectfully request removal of the restriction to claim 3 along with examination and allowance of claim 3.

The applicants believe that the foregoing amendments and remarks are fully responsive to the rejections and/or objections recited in the 14 December 2005 Office Action and that the present application is now in a condition for allowance. Accordingly, reconsideration of the present application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jordan M. Meschkow', written over a horizontal line.

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